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U.S. ATTORNEY
SPOKANE, WA.

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FEB 07 1997

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

JAMES R. LARSEN, CLERK

DEPUTY

UNITED STATES OF AMERICA,)

Plaintiff)

v.)

ROBERT SHERMAN BERRY,)

Defendant)

No. CR-96-259-WFN

ROBERT BERRY'S THIRD RESPONSE
TO REQUEST FOR ALIBI EVIDENCE

Comes now defendant Robert Sherman Berry, by and through his attorney John T. Rodgers, and responds to the United States' request and the Court's Order that he provide notice of any alibi defense or witnesses, as follows

With respect to defendant's whereabouts on April 1st, 1996:

Defendant will assert at trial that he was in Sandpoint, Idaho the entire day, either at his home or at his business, the address to both being known to the government. Defendant was in the company of, if anyone, members of his immediate family. The members of defendant's family, and there whereabouts, are known to the plaintiff United States.

ROBERT BERRY'S THIRD RESPONSE
TO REQUEST FOR ALIBI EVIDENCE

p. 1

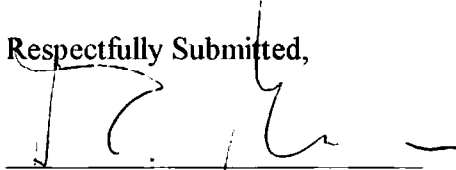
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8 With respect to defendant's whereabouts on July 12th, 1996:

9 Defendant was again in the City of Sandpoint, Idaho the entire day. Defendant
10 spent the early morning attending local court proceedings relative to his son Curtis, and at
11 the midday having lunch with his family and the afternoon at his home and/or business.

12 The court proceedings, including Judge Buchanan the Clerk [Foster, making
13 docket notations] can be referenced by docket number CR 96-01163/1164. A copy of
14 that docket sheet is attached and incorporated by this reference.
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17 Respectfully Submitted,
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21 John T. Rodgers
22 Attorney for Robert Berry
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